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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 483 of 2005.

PETITIONER : Gopal Krishna Gosain

VERSUS

RESPONDENTS :
1. State of M.P. (through the Secretary Education Department) Bhopal.
2. Principal Govt. College, Vaishali Nagar (Bhilai) Durg.
3. Principal Government Arts and Science College, Durg (M.P.)

Present: Shri F.S.Khare, Advocate for the petitioner.
Shri V.V.S.Moorthy, Additional Advocate General for the State/respondents.

ORDER
(Passed on 12th of March, 2007)

1. The petitioner was appointed on adhoc and temporary basis vide order dated 7th February 1990 (Annexure A/1) on the post of Farrash by the Principal, Government Arts and Science College, Durg, M.P. The condition of appointment was that in the event proper selection takes place, the petitioner has to apply alongwith others for regular appointment. Thereafter, it appears that though the selection took place but no interview letter could be sent to him on account of the fact he did not qualify in the written test. The petitioner has filed this

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petition seeking a writ/direction against respondent no. 2 to the effect that as per the terms of appointment, the petitioner ought to have been interviewed for selection.

2. The learned Counsel appearing for the petitioner submits that the petitioner was entitled to appear before the Committee for interview as per the terms of the order.

3. Shri Moorthy, learned counsel appearing for the State/respondents submit that the initial appointment of the petitioner was dehors the constitutional scheme of the employment and as such the petitioner has no right to the post. On the question of terms of appointment, it is submitted that there was no assurance to invite him for interview but it was a simple condition to the effect that as and when the selection takes place, the petitioner would be free to compete alongwith others for regular appointment.

4. I have heard the learned counsel appearing for the parties and have perused the pleadings and documents appended thereto. Submissions of the learned counsel for the respondents merit acceptance as the same is based on the appointment order dated 7.2.1990. The petitioner has no right to be considered for interview on the basis of appointment order on adhoc and temporary basis. This was the condition of the appointment to face the selection process alongwith other eligible candidates for being appointed on regular basis. The petitioner has even otherwise, not acquired any right to the post and

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further no right to continuation or consideration for selection. The petitioner applied for regular appointment and the petitioner was unsuccessful in the selection process.

5. Thus, this petition is devoid of merit. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit